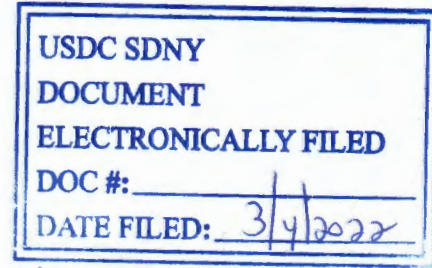


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



MODESTO RODRIGUEZ,

Plaintiff,

No. 21-cv-8565

v.

THE CITY OF NEW YORK, WARDEN STEVEN
BASTIAN, OFFICER MICHELLE GONZALEZ,
ANTOINETTE DOUGLAS, AND LACHONDA
LUCAS,

Defendants.

ORDER VACATING MARCH 2 ORDER AND SETTING BRIEFING SCHEDULE

McMahon, J.:

Whereas the Defendant City of New York moved to dismiss plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) on February 17, 2022 (Dkt. No. 21); and

Whereas the State Defendants noticed their motion pursuant to Rule 56 of the Federal Rules of Civil Procedure for an order granting the State Defendants summary judgment as a matter of law on the grounds of qualified immunity on February 17, 2022 (Dkt. No. 23); and

Whereas plaintiff notified the Court on March 1, 2022, that he has not yet been able to serve Defendant Warden Steven Bastian and asked that the City be ordered to release the Warden's last known address, which request this Court granted (Dkt. No. 25); and

Whereas the Court convened an initial conference in this action on March 3, 2022; and

Whereas the Defendant City of New York represented to the Court during said conference

that the Corporation Counsel of the City of New York has been authorized to accept service on behalf of the now-retired Warden Steven Bastian; and

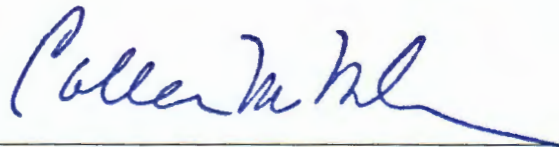
Whereas the Defendant City of New York made an oral request that the Court vacate its March 2, 2022, order directing the City to provide plaintiff with Warden Steven Bastian's last known address (Docket 25),

IT IS HEREBY ORDERED that this Court's March 2, 2022 order is hereby modified by striking therefrom any requirement that the City provide Plaintiff's counsel with retired Warden Steven Bastian's last known address (Docket 25); and

IT IS FURTHER ORDERED that the following deadlines be entered:

- Plaintiff's opposition to the City of New York's pending motion to dismiss shall be filed by April 2, 2022;
- The State Defendants' motion to dismiss on the grounds of qualified immunity shall be served no later than April 20, 2022;
- Plaintiff's opposition to the State Defendants' motion shall be served no later than May 20, 2022; and
- The State Defendants' reply shall be served no later than June 3, 2022.

Dated: March 4, 2022

A handwritten signature in blue ink, appearing to read "Peter J. Hall", written over a horizontal line.

U.S.D.J.

BY ECF TO ALL PARTIES